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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,959	12/28/2000	Erich Moos	1734-0001	8902
7590	11/17/2005		EXAMINER	
Harold C Moore Maginot Addison & Moore Bank One Center Tower 111 Monument Circle Suite 3000 Indianapolis, IN 46204			HO, DUC CHI	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/673,959	MOOS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Duc C. Ho	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 December 2000.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 8-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 8-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 04-09-01.

- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

***Specification***

1. The disclosure is objected to because of the following informalities: (1)Please delete the reference to "claim 1" in page 1 of the specification.

Appropriate correction is required.

(2)The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

***Arrangement of the Specification***

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Modell (“Application of Data Acquisition and Power Control to Regional and Central Control System”, by D.J. Modell, Advances in instrumentation and control, Vol. 48, Part 02, 1993- IDS record), in view of Yuji (JP 10051473-IDS record).

Regarding claim 15, Modell discloses an arrangement for the control of a hydro-electric power utility system and application of control techniques and data acquisition between a central control center and remote terminal units, etc., see abstract.

*A plurality of communication channels* (channels from the central control center to regional control centers to 22 hydro-power generating stations-fig. 1) *divided into communication groups* (centers 1-3, fig. 1), *wherein the communication channels within a communication group have the same communication properties* (the channels are for control and data acquisition),

*a substation associated with a first communication group* (the station 11-1-1A associated with the center 1-fig. 1);

*a central station coupled to the plurality of communication channels, the central station operable to acquire meter reading over a channel* (the central control center couples to the channels operable to acquire data from the station).

Modell, however, does not expressly teach (a) determine whether any communication channel of the first communication group is free, and (c) waiting and repeating the step c if it is determined that no communication channel of the first communication group is free.

One skill in the art would recognize the advantage of determining whether any communication channel of the first communication group is free for acquiring meter reading, since the arrangement is establishes in a way to provide efficiency for different groups - that is each group may have only a channel to communicate from the group to its remote stations for its non-continuous operation.

Yuji discloses access control method of communication system in which a master station communicates to a slave station of a plurality of slaves in an available channel. A free channel is monitored and assigned to a slave by a reception part 13- see figure and/in the abstract (corresponding to (a) and (c)).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Modell and Yuji.

The suggestion/motivation for doing so would have been to provide efficiency for different groups - that is each group may have only a channel to communicate from the group to its remote stations for its non-continuous operation.

Therefore, it would have been obvious to combine Modell with Yuji to obtain the invention as specified in claim 15.

Regarding claim 16, in Modell at each regional control center (group), DEC VAX computers serving as host computers are employed at each power generating station, wherein each computer is communicated with by its memory address.

Regarding claim 17, in Modell the central control center is also a DEC VAX computer, and the computer is capable of storing busy information for the free channel from the Yuji's reception part 13.

Regarding claim 18, in Yuji a frame containing a mode flag is used for an indication of busy channel.

Regarding claim 19, in Modell the central control center DEC VAX computer is capable of storing busy information of a channel as a code word in a memory address.

Regarding claim 20, in Modell the operating system of the central control center DEC VAX computer is capable of storing busy information.

Regarding claim 21, in Modell the central control center DEX VAX computer is capable of storing busy information in a software, i.e., an algorithm which determines the availability of a channel for communication.

Regarding claim 8-14, these claims have similar limitations as claims 15-21, respectively. Therefore, they are rejected under Modell-Yuji for the same reasons set forth in the rejection of claims 15-21.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yugawa( US 6,233,272); Nakano (US 6,052,405); Higashi et al. (US 6,026,115) are cited to show a receiving device for use in CDMA communications, which is considered pertinent to the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner



Duc Ho

11-08-05